

M-part 2

SCHEDULE 1

1. Your knowledge of any rules or regulations or laws or policies concerning or relating to the coding of claims to payors and third-party payors for reimbursement/payment of pediatric hematology-oncology physician services during the period from September 1, 1997 through December 31, 2002, including but not limited to any information, directions, or opinions you have provided to anyone regarding coding claims for pediatric hematology-oncology physician services.

2. Your knowledge of any rules or regulations or laws or policies concerning or relating to the coding of claims to payors and third-party payors for reimbursement/payment of pediatric hematology-oncology physician services assisted or provided by an advanced practice pediatric oncology nurse practitioner during the period from September 1, 1997 through December 31, 2002.

3. Your agreements, arrangements, or contracts with Kapi`olani Medical Center for Women & Children, Kapi`olani Medical Specialists, Kapi`olani Health, Hawai`i Pacific Health, or any of their employees, agents, representatives, subsidiaries, affiliates, predecessors, successors, or attorneys, or any of their agents, representatives or attorneys, during the period from 1997 through 2002.

4. Your document destruction/retention policies and practices concerning or relating to any documents or electronic media involving any of the information specified in the foregoing items numbered 1-3, including all of their respective subparts.

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Attorneys for Plaintiffs
 Kelley Woodruff, M.D. and
 Hawaii Children's Blood and Cancer Group

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

KELLEY WOODRUFF, M.D. and	) Civil No. 02-1-0090-01 (BIA)
HAWAII CHILDREN'S BLOOD AND	) (Other Civil Action)
CANCER GROUP,)
	) CERTIFICATE OF SERVICE
Plaintiffs,)
)
vs.	) [Notices to 30(b)(6) Deponent Jeri Leong]
)
HAWAII PACIFIC HEALTH;)
KAPIOLANI MEDICAL SPECIALISTS;)
KAPIOLANI MEDICAL CENTER FOR)
WOMEN AND CHILDREN; ROGER)
DRUE; FRANCES A. HALLONQUIST;)
NEAL WINN, M.D.; SHERREL)
HAMMAR, M.D.; DELOITTE &)
TOUCHE LLP; DENNIS M. WARREN,)
ESQ.; JOHN DOES 1-99; JANE DOES 1-)
99; DOE ENTITIES 1-20; AND DOE)
GOVERNMENTAL UNITS 1-10,)
)
Defendants.)
)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the documents listed in the foregoing caption will be served on the following parties as follows:

JERI LEONG
189 Niuiki Circle
Honolulu, Hawai'i 96821

(X) U.S. Certified Mail

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LEIGHTON HARA, ESQ.
Robbins & Associates
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Attorneys for Defendants Hawai'i Pacific Health, Kapi'olani
Medical Specialists, Kapi'olani Medical Center for Women and
Children, Roger Drue, Frances A. Hallonquist, Neal Winn, M.D.,
and Sherrel Hammar, M.D.

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Attorneys for Deloitte & Touche LLP

Dated: Honolulu, Hawai'i, November 9, 2005



ARLEEN D. JOUXSON
RAFAEL G. DEL CASTILLO

Attorneys for Plaintiff
Kelley Woodruff, M.D. and
Hawaii Children's Blood and Cancer Group

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FIRST CIRCUIT COURT
STATE OF HAWAII
FILED

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F. OTAKE
CLERK

Attorneys for Plaintiffs
Kelley Woodruff, M.D. and
Hawaii Children's Blood and Cancer Group

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

KELLEY WOODRUFF, M.D. and
HAWAII CHILDREN'S BLOOD AND
CANCER GROUP,

Plaintiffs,

vs.

HAWAII PACIFIC HEALTH;
KAPI'OLANI MEDICAL SPECIALISTS;
KAPI'OLANI MEDICAL CENTER FOR
WOMEN AND CHILDREN; ROGER
DRUE; FRANCES A. HALLONQUIST;
NEAL WINN, M.D.; SHERREL
HAMMAR, M.D.; DELOITTE &
TOUCHE LLP; DENNIS M. WARREN,
ESQ.; JOHN DOES 1-99; JANE DOES 1-
99; DOE ENTITIES 1-20; AND DOE
GOVERNMENTAL UNITS 1-10,

Defendants.

) Civil No. 02-1-0090-01 (BIA)
) (Other Civil Action)
)
) PLAINTIFFS NOTICE OF TAKING
) DEPOSITION UPON ORAL
) EXAMINATION; EXHIBIT B;
) CERTIFICATE OF SERVICE
)
) [Deponent: Kenneth D. Dougan, M.D.]
)
) JUDGE: The Honorable Bert I. Ayabe
)
) Trial Date: June 5, 2006
)
)
)
)
)
)
)
)
)

NOTICE OF TAKING DEPOSITION UPON WRITTEN INTERROGATORIES

TO: KENNETH S. ROBBINS, ESQ.
LEIGHTON HARA, ESQ.
Robbins & Associates

EXHIBIT 4

2200 Davies Pacific Center
841 Bishop Street
Honolulu, Hawai'i 96813

Attorneys for Defendants Hawai'i Pacific Health, Kapi'olani
Medical Specialists, Kapi'olani Medical Center for Women and
Children, Roger Drue, Frances A. Hallonquist, Neal Winn, M.D.,
and Sherrel Hammar, M.D.

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Attorneys for Dennis M. Warren, Esq.

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Honolulu, Hawai'i 96813

Attorneys for Deloitte & Touche LLP

PLEASE TAKE NOTICE that PLAINTIFFS Kelley Woodruff, M.D. and Hawaii
Children's Blood and Cancer Group, by and through their attorneys, Jouxson-Meyers & del
Castillo, will take the oral deposition of the person listed below, on the date and time indicated
below at the offices of Alston Hunt Floyd & Ing, 1001 Bishop Street, American Savings Bank
Tower, 18th Floor, Honolulu, Hawai'i 96813:

Name and Address of Deponent

Date and Time

Kenneth D. Dougan, M.D.
c/o Dianne Brookins, Esq.
Alston Hunt Floyd & Ing, at the address above

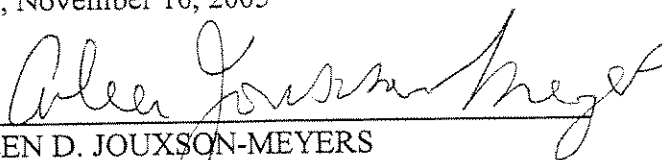
November 23, 2005
9:00 a.m.

The deposition shall be upon oral examination and will be taken before a notary
public or other officer authorized to administer oaths, from the office of Ralph Rosenberg Court
Reporters, pursuant to Rule 28(a) and Rule 30 of the Hawai'i Rules of Civil Procedure. Said

deposition may be used for all purposes permitted under the Hawaii Rules of Civil Procedure and the Federal Rules of Civil Procedure. The deposition will continue from day to day until completed. You are invited to attend and cross-examine.

A Subpoena Duces Tecum will be served upon the deponent pursuant to Rule 45 of the Hawai'i Rules of Civil Procedure. The deponent shall be required to bring with him/her and produce at his/her deposition the records and/or documents more particularly described in the Subpoena Duces Tecum.

DATED: Honolulu, Hawai'i, November 10, 2005


ARLEEN D. JOUXSON-MEYERS
RAFAEL G. DEL CASTILLO

Attorneys for Plaintiffs
Kelley Woodruff, M.D. and
Hawaii Children's Blood and Cancer Group

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Attorneys for Plaintiffs
 Kelley Woodruff, M.D. and
 Hawaii Children's Blood and Cancer Group

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

KELLEY WOODRUFF, M.D. and
 HAWAII CHILDREN'S BLOOD AND
 CANCER GROUP,

Plaintiffs,

vs.

HAWAII PACIFIC HEALTH;
 KAPI'OLANI MEDICAL SPECIALISTS;
 KAPI'OLANI MEDICAL CENTER FOR
 WOMEN AND CHILDREN; ROGER
 DRUE; FRANCES A. HALLONQUIST;
 NEAL WINN, M.D.; SHERREL
 HAMMAR, M.D.; DELOITTE &
 TOUCHE LLP; DENNIS M. WARREN,
 ESQ.; JOHN DOES 1-99; JANE DOES 1-
 99; DOE ENTITIES 1-20; AND DOE
 GOVERNMENTAL UNITS 1-10,

Defendants.

) Civil No. 02-1-0090-01 (BIA)
) (Other Civil Action)
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) PLAINTIFFS NOTICE OF TAKING
) DEPOSITION UPON ORAL
) EXAMINATION; CERTIFICATE OF
) SERVICE
)
) [Deponent: Kenneth D. Dougan, M.D.]
)
)
)
) JUDGE: The Honorable Bert I. Ayabe
)
) Trial Date: June 5, 2006
)
)
)
)
)
)
)
)

NOTICE OF TAKING DEPOSITION UPON WRITTEN INTERROGATORIES

TO: KENNETH S. ROBBINS, ESQ.
 LEIGHTON HARA, ESQ.
 Robbins & Associates

EXHIBIT B

DEFINITIONS AND INSTRUCTIONS

1. Each of these definitions and instructions is hereby incorporated into each of the Requests to which it pertains.
2. As used herein, the terms "you" and "your" means and includes Kenneth D. Dougan, M.D., his predecessors, successors, assigns, attorneys and former attorneys and any other person acting or purporting to act on behalf of him.
3. As used herein, the term "PLAINTIFFS" means and includes Kelley Woodruff, M.D. and Hawaii Children's Blood and Cancer Group.
4. As used herein, the term "KMCWC" means and includes Kapi`olani Medical Center for Women & Children, its employees, agents, representatives, predecessors, successors, assigns, attorneys and former attorneys and any other person acting or purporting to act on behalf them.
5. As used herein, the term "KMS" means and includes Kapi`olani Medical Specialists, its employees, agents, representatives, predecessors, successors, assigns, attorneys and former attorneys and any other person acting or purporting to act on behalf them.
6. As used herein, the term "KH" means and includes Kapi`olani Health, its employees, agents, representatives, predecessors, successors, assigns, attorneys and former attorneys and any other person acting or purporting to act on behalf them.
7. As used herein, the term "HPH" means and includes Hawai'i Pacific Health, its employees, agents, representatives, predecessors, successors, assigns, attorneys and former attorneys and any other person acting or purporting to act on behalf them.
8. As used herein, the term "person" means and includes, without limitation, any natural person, firm, company, partnership, association, joint venture, sole proprietorship,

EXHIBIT B

organization, business trust, corporation, public entity, governmental entity, or any other group combination acting as a unit or other form of legal business.

9. As used herein, the terms "Document" means and includes any tangible thing upon which is recorded any form of communication or representation, including letters, words, pictures, sounds, or symbols, or any combination thereof, by means of handwriting, typewriting, printing, photostating, photographing, sound and video recording, or any other method of recording, whether in your possession or under your control or not, relating to or pertaining in any manner to the subject in connection with which it is used, and includes, but is not limited to, all file copies and all drafts prepared in connection with the documents and writings, whether used or not. This definition also includes, but is not limited to:

- a. Letters, correspondence, memoranda, telegrams, telexes, facsimiles, cables, wires, and other communications;
- b. Notes, reports, minutes, interoffice communications, summaries, and outlines;
- c. Notes or summaries of conferences, meetings, discussions, interviews, or telephone conversations or messages;
- d. Agreements, contracts, offers, and proposals;
- e. Files and records;
- f. Electronic files, including any tangible device upon which electronic files are created, transmitted, received, and/or stored, whether presently or at any previous time were created, transmitted, and/or stored having been archived or destroyed or "deleted";
- g. Other legal instruments or official documents;
 - i. Work papers, ledgers, and journals;

EXHIBIT B

- h. Books of accounts, checks and canceled checks, deposit receipts, statements, bills, airbills, consignment notes, purchase orders, invoices, vouchers, expense accounts, receipts, orders, and billings;
- i. Studies, charts, graphs, maps, drawings, schedules, plans, blueprints, sketches, schematics, models, surveys, printouts, and cards;
- j. Printed records of electronic mail communications and any tangible device upon which electronic mail is created, transmitted, received and/or stored whether presently or at any previous time were created, transmitted, and/or stored having been archived or destroyed or "deleted";
- k. Investigation and incident reports;
- l. Bulletins, books, periodicals, newsletters, articles, brochures, advertisements, reports, logs, agenda, minutes, pamphlets, and other published material;
- m. Diaries, calendars, desk calendars, and appointment books;
- n. Travel reports and vouchers;
- o. Photographs, slides, films, notes, drafts, worksheets, transcripts, tapes, microtapes, microfilm, movies, records, tape recordings, video tape recordings and other recordings (mechanical, electronic, typed, or written);
- p. Data compilations from which information can be obtained and translated, if necessary, through detection devices into reasonably usable form as defined in Local Rule 16.3 of the of the United States District Court;
- q. Any other instrument or device which contains any information or from which any information can be derived or retrieved; and
- r. Medical records, medical insurance claim forms, pharmacy and medical invoices.

EXHIBIT B

10. As used herein, the term "conversation" includes, without limitation, any discussion, conversation, conference, meeting, interview, telephone call, and any statement or representation made therein.

11. As used herein, the term "communication" means any verbal or written exchange of information, whether telephonic, telegraphic, printed, recorded, graphic, photographic, or otherwise, and therefore, includes "Documents" and "conversations" as defined above.

12. The following instructions are to be considered applicable to all demands for production of documents and thing contained herein:

- a. In producing these documents, you are requested to furnish all documents known or available to regardless of whether these documents are possessed directly by you or your attorneys or their agents, employees, representatives or investigators.
- b. If any of these documents cannot be produced in full, produce to the extent possible, specifying your reasons for your inability to produce the remainder and stating whatever information, knowledge or belief you do have concerning the un-produced portion.
- c. If any documents or things requested were at one time in existence, but are no longer in existence, please so state, specifying for each document or things, the
 - i. type of document or thing,
 - ii. types of information contained thereon,
 - iii. date upon which it ceased to exist,
 - iv. circumstances under which it ceased to exist,
 - v. identity of all persons having knowledge of the circumstances under which it ceased to exist, and

EXHIBIT B

vi. identity of all persons having knowledge or who had knowledge of the contents thereof.

13. **This Request is a** continuing one. If, after producing documents, you obtain or become aware of any further Documents responsive to this Request, you are required to produce to PLAINTIFFS Kelley Woodruff, M.D. and Hawaii Children's Blood and Cancer Group such additional Documents.

14. If any Documents covered by this Request is withheld by reason of a claim of privilege, a list shall be furnished, as part of your required response to this Request, identifying each Document for which a privilege is claimed together with the following information with respect to each document withheld:

- a. give a brief identification of the record and/or document (e.g., letter, memoranda, note, etc.);
- b. date prepared;
- c. preparer or sender;
- d. recipient;
- e. identity of any person to whom copies were furnished;
- f. general subject matter of the Document;
- g. whether you claim the entire contents of the record and/or document are privileged;
- h. type of privilege claimed;
- i. factual basis on which privilege is claimed;
- j. the paragraph of the Request (**Exhibit B**) to which such document relates; and
- k. whether the communication contains any matters intended to be confidential.

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

KELLEY WOODRUFF, M.D. and	) Civil No. 02-1-0090-01 (BIA)
HAWAII CHILDREN'S BLOOD AND	) (Other Civil Action)
CANCER GROUP,)
	) CERTIFICATE OF SERVICE
Plaintiffs,	) [Notice of Deposition for Deponent Kenneth
vs.	) D. Dougan, M.D.]
)
HAWAII PACIFIC HEALTH;)
KAPI'OLANI MEDICAL SPECIALISTS;)
KAPI'OLANI MEDICAL CENTER FOR)
WOMEN AND CHILDREN; ROGER)
DRUE; FRANCES A. HALLONQUIST;)
NEAL WINN, M.D.; SHERREL)
HAMMAR, M.D.; DELOITTE &)
TOUCHE LLP; DENNIS M. WARREN,)
ESQ.; JOHN DOES 1-99; JANE DOES 1-)
99; DOE ENTITIES 1-20; AND DOE	) JUDGE: The Honorable Bert I. Ayabe
GOVERNMENTAL UNITS 1-10,)
	) Trial Date: June 5, 2006
Defendants.)
)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was duly served upon the above-identified parties at the addresses shown as follows:

TO: DIANNE WINTER BROOKINS, ESQ.
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Attorneys for Defendants Hawai'i Pacific Health, Kapi'olani

Medical Specialists, Kapi'olani Medical Center for Women and
Children, Roger Drue, Frances A. Hallonquist, Neal Winn, M.D.,
and Sherrel Hammar, M.D.

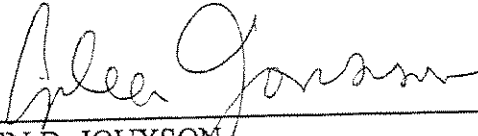
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Attorneys for Deloitte & Touche LLP

DATED: Honolulu, Hawai'i, November 10, 2005



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RAFAEL G. DEL CASTILLO

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HAWAII CHILDREN'S BLOOD AND CANCER GROUP

KENNETH S. ROBBINS
LEIGHTON M. HARA
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John-Anderson L. Meyer, Law Clerk
Rose M.P. Carter, Paralegal
Sandra H. Hishinuma, Legal Assistant

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TELEPHONE: (808) 524-2355
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defend@robbinsandassociates.net
FED. I.D. NO. 99-0175383

November 15, 2005

VIA HAND DELIVERY

The Honorable Patrick K.S.L. Yim
DISCOVERY MASTER
c/o Dispute Prevention & Resolution, Inc.
Attn: Evelyn Johnson
Suite 1155, Pauahi Tower
1001 Bishop Street
Honolulu, Hawaii 96813

Re: 04-0051-DM: Discovery Master of: Woodruff, et al. - and -
Hawai'i Pacific Health, et al.

Dear Judge Yim:

The instant letter sets forth the Parties' agreement concerning discovery and trial deadlines following the discovery conference which your Honor presided over on July 21, 2005 concerning the HPH Defendants' Motion for Protective Order and Plaintiffs' Motion for Protective Order concerning the depositions of Drs. Woodruff and Wilkinson. Subsequent to our meeting with your Honor on July 21, 2005, we engaged in extensive discussions which ultimately resulted in the Parties' agreement to postpone the current discovery deadlines and ultimately, to postpone the trial date, subject to approval by Judge Ayabe and Plaintiffs.

During our discussions, I agreed to draft a letter to your Honor detailing the specific agreements and concessions made on behalf of counsel for all Parties, who have reviewed and approved this final version. As all of the parties have agreed to the terms and conditions set forth below, we hereby request that your Honor recommend to Judge Ayabe that the trial be postponed to a reasonable date subject to the availability and mutual convenience of Judge Ayabe and the Parties to be discussed in further detail at the July 26, 2005 status conference with Judge Ayabe.

The Honorable Patrick K.S.L. Yim
November 15, 2005
Page 2

- 1) The parties agree that depositions will no longer be arbitrarily noticed. Pursuant to the agreement entered into on July 21, the parties shall henceforth contact and make reasonable efforts to coordinate all depositions noticed in the instant case for dates and times mutually convenient for all Parties.
- 2) The Parties agree to postpone all depositions of the Defendants and their current and former employees, agents, or representatives as presently noticed. Specifically, the depositions of Neal Winn, M.D., Roger Drue, Frances Hallonquist, Sherrel Hammar, M.D., Charles Sted, Dianne Fochtman, Sharon ON Leng, Rodney Boychuk, Lawrence O'Brien, and Dew-Anne Langcaon, as noticed in Plaintiffs' July 13, 2005 deposition notices. The depositions of Plaintiff Kelley Woodruff, M.D. and Robert Wilkinson, M.D. have also been postponed to dates and times which will be scheduled by the Parties.
- 3) The Parties agree to use reasonable efforts in securing the depositions of those individual parties and non-parties who reside outside the jurisdiction of this court.
- 4) Plaintiffs agree to withdraw the following discovery motions:
 - a) Plaintiffs' Motion in Limine to Preclude Defendants From Referring to, Eliciting Testimony on, or Offering Evidence Or Exhibits Drawing Upon Anything They Produce or Have Produced After June 5, 2005, filed July 11, 2005;
 - b) Plaintiffs' Motion to Strike Defendants Hawaii Pacific Health, Kapiolani Medical Specialists, Kapiolani Medical Center for Women and Children, Roger Drue, Frances A.

The Honorable Patrick K.S.L. Yim
November 15, 2005
Page 3

Hallonquist, Neal Winn, M.D. and Sherrel Hammar, M.D.'s Final Naming of Witnesses filed July 5, 2005, and To Exclude Their Witnesses' Testimony, filed July 11, 2005; and

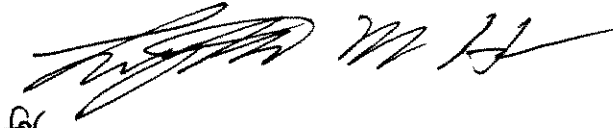
- c) Plaintiffs' Motion in Limine to Preclude Defendant Dennis Warren, Esq. From Calling Witnesses On His Final Naming of Witnesses Filed July 5, 2005, filed July 11, 2005.
- 5) Plaintiffs agree to determine whether they will seek to postpone the hearing on or withdraw Plaintiffs' First Motion for Partial Summary Judgment filed July 11, 2005 set for hearing on August 9, 2005 at 10:00 a.m.
- 6) HPH Defendants agree to produce all documents responsive to Plaintiffs' pending discovery requests by August 5, 2005.
- 7) The Parties agree that production of documents responsive to pending discovery requests will be completed by the August 31, 2005.
- 8) Depositions of Parties and their current and former employees, agents, or representatives will begin on October 3, 2005 and end on November 4, 2005. No depositions of the parties, their current and former employees, agents, or representatives will occur prior to October 3, 2005, subject to any exceptions described in section 11 infra.
- 9) Due to scheduling difficulties, the Parties agree to continue with the 30(b)(6) depositions of non-party deponents as currently scheduled.
- 10) The depositions of Plaintiff Kelley Woodruff, M.D., and Robert Wilkinson, M.D. will be taken after they have had sufficient time to review the documents produced by Defendants and prior to the

The Honorable Patrick K.S.L. Yim
November 15, 2005
Page 4

depositions of any of the Defendants or their former and current agents, employees, or representatives.


- 11) Plaintiffs will provide Defendants with a short list of witnesses, i.e. nurses working in the PAU unit, who may be deposed prior to Drs. Woodruff and Wilkinson upon approval by counsel for HPH Defendants. Additionally, the depositions of Pam Courtney and Kathleen Correia, employees of HPH Defendants, may be taken prior to the depositions of Drs. Woodruff and Wilkinson, at a time agreeable to counsel for HPH Defendants.
- 12) Plaintiffs will file a First Amended Pretrial Statement by August 12, 2005.
- 13) Defendants will file Responsive Pretrial Statements by September 12, 2005.

Very truly yours,


for Kenneth S. Robbins

Agreed and approved:

Arleen Jouxson-Meyers
Rafael del Castillo
Attorneys for Plaintiffs


John S. Nishimoto
Michael J. Van Dyke
Attorneys for Defendant Dennis Warren

The Honorable Patrick K.S.L. Yim
November 15, 2005
Page 5



John T. Komeiji
Karen Y. Arikawa
Attorneys for Defendant Deloitte & Touche, LLP

APPROVED AND SO ORDERED:

The Honorable Patrick K.S.L. Yim
Discovery Master

KSR\05-0335

cc: Arleen Jouxson-Meyers, Esq. (via fax)
John S. Nishimoto, Esq./Michael Van Dyke, Esq. (via fax)
John T. Komeiji, Esq./Karen Y. Arikawa, Esq. (via fax)